

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:

RICHARD T. RINAOLO, and) Chapter 7
BETH L. RINAOLO,) Case No. 09 B 26377
) Honorable A. Benjamin Goldgar
Debtors.) Trustee Joseph E. Cohen

NOTICE OF MOTION

PLEASE TAKE NOTICE that on October 9, 2009 at 1:30 p.m., I shall appear before Bankruptcy Judge Goldgar in the Courtroom usually occupied by him, in the Park City Branch Court, Courtroom B, 301 Greenleaf Avenue, Park City, Illinois 60085-5725, or in his absence, before such other Judge sitting in his stead, and shall present the attached Motion For Extension of Time to File Objections and Exceptions To Discharge , a copy of which is attached hereto.

Respectfully Submitted,

/s/ Steve Ackerman

STEVE ACKERMAN
566 W. Adams St., #600
Chicago, IL. 60661
(312) 454-9300

Attorney for EREF Mezzanine Fund,
LLC

Dated: September 30, 2009

CERTIFICATE OF SERVICE

I, STEVE ACKERMAN, an attorney, certify that on September 30, 2009 I served this Notice and Motion by electronic filing upon Debtor's Attorney, the Trustee, and Office of the U.S. Trustee, and all parties registered with the court's electronic filing system per the attached service list:

Steven R. Rappin
Hauselman, Rappin & Olswang, Ltd.
39 S. LaSalle St.,
Chicago, IL. 60603

James T. Magee
Magee, Negele & Associates PC
444 N. Cedar Lake Rd.
Round Lake, IL. 60073

Joseph E. Cohen, TR.
Cohen & Krol
105 West Madison St., #1100
Chicago, IL. 60602

William T. Neary
Office of the U.S. Trustee, Region 11
219 S. Dearborn St. #873
Chicago, IL. 60604

James P. Sullivan
Chapman and Cutler LLP
111 W. Monroe St.
Chicago, IL. 60603

Bruce N. Menkes
Mandell Menkes LLC
333 West Wacker Drive, Suite 300
Chicago, IL. 60606

Scott H. Kenig
Randall & Kenig LLP
455 North Cityfront Plaza Drive
NBC Tower, Suite 2510
Chicago, IL. 60611

/s/Steve Ackerman
Steve Ackerman

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:

RICHARD T. RINAOLO, and) Chapter 7
BETH L. RINAOLO,) Case No. 09 B 26377
) Honorable A. Benjamin Goldgar
Debtors.) Trustee Joseph E. Cohen

**MOTION TO EXTEND TIME FOR FILING OF OBJECTIONS
AND EXCEPTIONS TO DISCHARGE**

EREF Mezzanine Fund, LLC, by its attorney, Steve Ackerman, moves this Court pursuant to Bankruptcy Rule 4004 (b) to extend the October 13, 2009 due date for the filing of objections and exceptions to discharge and as grounds for this motion states as follows:

1. EREF Mezzanine Fund, LLC is a lender. It is listed on debtor's Schedule F as having claims of \$2,650,000. The nature of the obligations are that Richard T. Rinaolo guaranteed loans from EREF to be used for real estate development.

2. The Debtor's Petition lists estimated assets of \$500,000 to \$1 million with estimated liabilities of \$10,000,000 to \$50,000,000. Schedule F reflects claims in the amount of \$11,499,608. many of which are for personal guaranties for business loans. Debtor was/is engaged in the businesses of real estate development and management, landscaping, and gasoline service stations.

3. The initial First Meeting of the Creditors was scheduled for August 14, 2009. The Debtors did not appear but did serve a fax notice for a continuance upon the Trustee. The matter was reset for Aug. 24. The Debtors did not appear at the August 24 First Meeting of the Creditors which was reset to September 25, 2009.

4. EREF Mezzanine Fund, LLC was granted leave of court to conduct a Rule 2004 Examination of the Debtor and served a subpoena calling for document production on Sept. 21, 2009 with a Rule 2004 Examination on October 5, 2009 (See docket entry # 26 for the Subpoena and list of financial records, banking, and loan documents requested for the eight or so real estate and other businesses owned/operated by Debtors).

5. At the First Meeting on September 25, Richard Rinaolo was unable to identify with any clarity or certainty where financial records were located. The Trustee indicated that his identification of documents was insufficient and requested the production of financial statements and banking records. Previously, the Debtors had produced in response to the EREF subpoena a sum total of only 10 documents despite millions of dollars in liabilities, over 15 contracts of guaranty, and the operation of eight or so businesses.¹

6. Efforts are underway by the Trustee and the undersigned to obtain financial documents. Debtor's counsel has been cooperative in obtaining consent from his client for financial records to be produced by his CPA and former attorney. However, at this time it is not known to what extent, if any, the financial documents including bank records, loan documents, real estate operating agreements, financial statements, contracts of guaranty, profit and loss statements, business expense records, security deposit records, construction draw records, and other financial exist, if they exist who has them, whether third-parties such as the CPA and former attorney will cooperate, and whether further subpoenas will be necessary. The Debtors did not produce any bank records or even the name of their business banks.

¹ Attached as Exhibit 1 is a list of the 10 documents produced by the Debtors in response to the EREF subpoena. No banking documents, financial statements, operational financial records for businesses or profit and loss statements were produced. The Debtors have filed a written response stating that many documents requested are in the hands of either their former attorney or CPA (See Exhibit 2).

7. EREF Mezzanine Fund, LLC requests that this Court enter an order resetting the current date for the filing of objections and exceptions from October 13, 2009 to January 13, 2010..

8. A copy of the proposed order is marked **Exhibit A**.

WHEREFORE, EREF Mezzanine Fund, LLC requests that the Court enter an order extending the time for EREF to file Objections or Exceptions to Discharge to January 13, 2010.

Respectfully Submitted,

/s/ Steve Ackerman

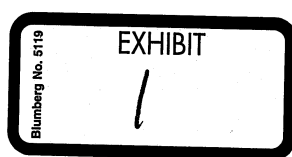
STEVE ACKERMAN
566 W. Adams St., #600
Chicago, IL. 60661
(312) 454-9300

Attorney for EREF Mezzanine Fund,
LLC

Dated: September 30, 2009

DOCUMENTS PRODUCED BY DEBTORS 9-22-09

1. Responses To EREF's Document Request.
2. Citation To Discover Assets in Thurman v. Smithfield
3. Mortgage between 727-29 W. Howard, LLC. and CIT Small Business Lending Corp. dated 5-18-06
4. Mortgage, Assignment of Rents, Security Agreement and Fixture Filing Between Citibank and Bradley Industrial Center dated 11-06-07
5. Mortgage between Harris Bank and 2049 West Howard dated 4-17-07.
6. Citation in case of Delaware Center, Mark Schulman v. Rinaolo
7. Citation in case of Pete Panayiotou v. Smithfield
8. Secretary of State Certificates of LLC
9. Misc. E-mail communications between Arie Zoller and Debtor's counsel re Woodland Courts transition
10. Loan Agreement between EREF and WC Acquisition and default notices



Disk W-9 / Rinaolo.Responses

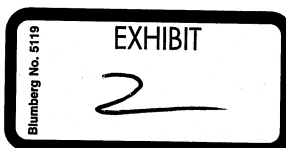
**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	Chapter 7
)	
RICHARD T. RINAOLO and)	Case No. 09 B 26377
BETH L. RINAOLO,)	
)	Honorable A. Benjamin Goldgar
Debtors.)	

RESPONSES TO EREF MEZZANINE FUND LLC
2004 EXAMINATION DOCUMENT REQUEST

Now comes Richard T. Rinaolo, Debtor in the above captioned matter and in response to Creditor's Document request presents documents and further states:

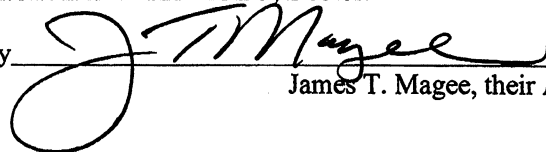
1. Debtor is not in personal possession of many of the documents requested, but states that as to such documents, originals or copies can be found or otherwise obtained through Debtor's former real estate attorney, Larry J. DeVries, 726 N. Western Ave., Suite 310, Lake Forest, IL 60045 (phone: 312-948-8129) and Debtor's former accounting firm, PBG Financial Services, 666 Dundee Rd., Northbrook, IL 60062. In addition, Debtor's prior bookkeeper, Chris Larson (1627 Brimingham, Crystal Lake, IL 60014), would have some documents but most likely repetitive of those held by Mr. DeVries and PBG Financial Services. As to the Bradley Industrial Center, LLC., a court appointed receiver, Eric Janssen, took possession of the property and many of the records relating to that enterprise were delivered to him to assist in management. Further reference as to the particular documents requested is stated as follows:
 - a. Betsy Thurman: with her attorneys at the Law Offices of Jacob J. Meister, Attn: Mr. Ben Kailin, 65 East Wacker Place, Suite 2300, Chicago, IL 60601 (312) 201-6555 (Default Judgment entered in Lake County case Number 08L0799 in the amount of \$337301).
 - b. Bill Singh: with Debtor's former real estate attorney, Larry J. DeVries (phone: 312-948-8129).
 - c. CIT Small Business: Additional documents may be obtained through its attorneys, Mandell Menkes, LLC [(312) 251-1000]. Foreclosure and sale has been pending in Lake County case Number 08Ch43604 and current status is not known .
 - d. Citibank: with Debtor's real estate attorney Larry J. DeVries (phone: 312-948-8129) and Citibank attorney. Note: the related real estate property has been foreclosed and it is believed a judgment was entered.
 - e. DK Corporation: with Debtor's real estate attorney Larry J. DeVries (phone: 312-948-8129) and DK attorney. Note: it is believed a judgment was entered.
 - f. Eby Brown: with Debtor's real estate attorney Larry J. DeVries (phone: 312-948-8129) and Eby Brown (this was a supplier guarantee).



- g. First Midwest Bank: with Debtor's real estate attorney Larry J. DeVries (phone: 312-948-8129).
 - h. Harris bank (both amounts): with Debtor's real estate attorney Larry J. DeVries (phone: 312-948-8129) and Harris attorney.
 - i. Lakeside Oil: with Debtor's real estate attorney Larry J. DeVries (phone: 312-948-8129) and Lakeside attorney. Note: judgment was entered in Wisconsin.
 - j. M & I: with Debtor's real estate attorney Larry J. DeVries (phone: 312-948-8129) and M & I attorney.
 - k. Mark Shulman: with Debtor's real estate attorney Larry J. DeVries (phone: 312-948-8129) and Shulman attorneys, Wiczer & Zelmar, LLC (judgment has been entered in Cook County case Number 08L014116).
 - l. Parent Petroleum: with Debtor's real estate attorney Larry J. DeVries (phone: 312-948-8129) and Parent owner's attorneys, William Boyland, P.C., 381 E. St. Charles Road, Carol Stream, IL 60188.
 - m. Pete Panayitou: with Panayitou attorneys, Kililis, Ridings & Vonau, P.C., 730 E. Terra Cotta Ave., Unit B-1, Crystal Lake, IL 60014 (815) 444-8700 (judgment was entered in McHenry County case Number 07L306).
- 2. Copies of tax returns 2006 through 2008 (Presented)
 - 3. Some of these documents are in the possession of Debtor's former bookkeeper, Chris Larson and most would be held by PBG Financial Services, 666 Dundee Rd., Northbrook, IL 60062
 - 4. Some of these documents are believed to be in the possession of Debtor's former bookkeeper, Chris Larson; otherwise with PBG Financial Services and attorney DeVries.
 - 5. These documents would be mostly in the possession of Debtor's real estate attorney Larry J. DeVries (phone: 312-948-8129). As to employees, Debtor did not directly supervise any of them and does not have that information, but would be available through PBG Financial Services.
 - 6.
 - a. These would be in the possession of Harris bank.
 - b. Before shutting both stations they were put on a cash-only basis. There was an outstanding sales tax amount owed for about \$150,000, which Debtor was attempting to pay down. There is still approximately \$100,000 unpaid, but not personally assessed.

Respectfully Submitted,

RICHARD T. RINAOLO, Debtor.

by  James T. Magee, their Attorney.

James T. Magee [01729446]
Magee, Negele & Associates, P.C.
444 North Cedar Lake Road
Round Lake, IL 60073
(847) 546-0055

NOTICE PURSUANT TO THE FAIR DEBT COLLECTION
PRACTICES ACT 15 U.S.C. Section 1601 as Amended

1. The amount of the debt owed by debtors for the Wadsworth project is \$1,451,676.14 as of April 30, 2009 with interest accruing per diem of \$830.96 plus attorneys' fees and costs. The amount of the debt owed by debtor's for the Woodland Courts project is \$1,946,855.67 as of May 14, 2009 with interest accruing per diem at \$1,139.18 plus attorneys' fees and costs.
2. EREF Mezzanine Fund, LLC is the creditor to whom the debt is owed.
3. Unless you notify The Law Offices of Steve Ackerman within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, it will be assumed the debt is valid.
4. If you notify this office in writing within 30 days after receiving this notice, verification of the debt will be obtained and mailed to you.
5. If you request this office within 30 days after receiving this notice you will be provided with the name and address of the original creditor if different from the current creditor.
6. This is an attempt to collect a debt. Any information obtained will be used for that purpose. Any written requests should be addressed to the Law Offices of Steve Ackerman, 566 W. Adams St., Suite 600, Chicago, IL. 60661.